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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIFTH APPELLATE DISTRICT**

L.V.,

Petitioner,

v.

THE SUPERIOR COURT OF KERN COUNTY,

Respondent;

KERN COUNTY DEPARTMENT OF HUMAN  
SERVICES,

Real Party in Interest.

F079024

(Super. Ct. Nos. JD132495-00 &  
JD132496-00)

**OPINION**

**THE COURT\***

ORIGINAL PROCEEDINGS; petition for extraordinary writ review. Raymonda  
B. Marquez, Judge.

V.L., in pro. per., for Petitioner.

No appearance for Respondent.

No appearance for Real Party in Interest.

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\* Before Levy, Acting P.J., Detjen, J. and Smith, J.

On March 19, 2019, at a post-permanency plan review hearing (Welf. & Inst. Code, § 366.3),<sup>1</sup> the juvenile court set a section 366.26 hearing to consider a permanent plan of adoption for minors Sebastian V. and Angelina V., then 12 and 11 years old, with their paternal grandmother. Their father, L.V., (petitioner) seeks an extraordinary writ (Cal. Rules of Court, rules 8.450, 8.452.),<sup>2</sup> directing the juvenile court to provide him reunification services and grant him custody. Petitioner does not, however, comply with the rule by asserting juvenile court error. Consequently, we dismiss his petition as facially inadequate for review.

### **PROCEDURAL AND FACTUAL SUMMARY**

Seven-year-old Sebastian and six-year-old Angelina were removed from the custody of their mother, Megan, in April 2014 by the Kern County Department of Human Services (department) because Megan used methamphetamine while caring for the children and failed to provide Sebastian medical care. Petitioner was in prison in Florida at the time, serving a three-year sentence.

The juvenile court exercised its dependency jurisdiction over the children and ordered Megan to participate in reunification services. Petitioner was denied services because he was not seeking placement or services at that time. In September 2014, the department placed the children with their paternal grandmother in Florida.

At the 12-month review hearing in July 2015, the juvenile court terminated Megan's reunification services for noncompliance and ordered the children into a permanent placement living arrangement with the paternal grandmother where they remained.

Petitioner was released from custody in April 2016 and the following September contacted a social worker to inquire about visitation and custody. The social worker

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<sup>1</sup> Statutory references are to the Welfare and Institutions Code.

<sup>2</sup> Rule references are to the California Rules of Court.

explained the children were in a long-term care arrangement with his mother who did not want to interfere with his parental rights. Petitioner did not want his mother or anyone else to adopt the children. In April 2017, he asked to have his home in Miami evaluated for placement. In March 2017, at a contested permanency plan review hearing, the juvenile court ordered an Interstate Compact Placement of Children for the State of Florida, expanded petitioner's visits to four hours on Saturdays, and granted him permission to use the department's call-in drug testing system at his own expense.

In July 2018, petitioner was incarcerated in the Brevard County jail in Florida, awaiting trial.

By the post-permanency plan review hearing scheduled for March 2019, the paternal grandmother had changed her mind and wanted to adopt the children. Petitioner appeared at the hearing telephonically, represented by counsel, who submitted the matter on the department's recommendation to set a section 366.26 hearing. The court found it was appropriate to set a section 366.26 hearing based on the paternal grandmother's desire to adopt the children and set the hearing for July 17, 2019. This petition ensued.

### **DISCUSSION**

As a general proposition, a juvenile court's rulings are presumed correct. (*Denham v. Superior Court* (1970) 2 Cal.3d 557, 564.) Thus, absent a showing of error, this court will not disturb them.

A parent seeking review of the juvenile court's orders from the setting hearing must, as L.V. did here, file an extraordinary writ petition in this court on Judicial Council form JV-825 to initiate writ proceedings. The purpose of writ proceedings is to allow this court to review the juvenile court's orders to identify any errors before the section 366.26 hearing occurs.

Rule 8.452 requires the petitioner to identify the error(s) he or she believes the juvenile court made. It also requires the petitioner to support each alleged error with argument, citation to legal authority, and citation to the appellate record. (Rule 8.452(b).)

Aside from checking the boxes on the preprinted petition indicating his desired outcome, i.e., an order for reunification services and the return of his children, petitioner does not allege any grounds on which he claims the juvenile court erred.

When the petitioner does not allege legal error, as occurred here, there is nothing for this court to review. Consequently, we dismiss the petition as facially inadequate.

### **DISPOSITION**

The petition for extraordinary writ is dismissed. This court's opinion is final forthwith as to this court pursuant to California Rules of Court, rule 8.490(b)(2)(A).